

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Nov 18, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

-vs-

DONTA LYVOID BLACKMON,
Defendant.

No. 2:13-CR-0008-WFN-8

ORDER DENYING MOTION FOR
REDUCED SENTENCE

Pending before the Court is Defendant's Motion for Compassionate Release. ECF No. 4554. Defendant indicates that he submitted a request for compassionate release, but has not received a response within 30 days. Consequently, he has exhausted his claim with the Bureau of Prisons [BOP].

Mr. Blackmon must demonstrate that "(i) extraordinary and compelling reasons warrant such a reduction; or (ii) the defendant is at least 70 years of age, has served at least 30 years in prison, pursuant to a sentence imposed under section 3559(c) . . . and a determination has been made by the Director of the Bureau of Prisons that the defendant is not a danger to the safety of any other person or the community, as provided under section 3142(g)." 18 U.S.C. § 3582(c)(1)(A). As Defendant is not over 70 years old, he must demonstrate that extraordinary and compelling reasons warrant reduction.

Defendant has not demonstrated extraordinary or compelling reasons warranting a sentence reduction. Defendant indicates that he has no pre-existing conditions that would put him at increased risk of serious illness or death from COVID-19. In a supplemental filing Mr. Blackmon indicates that he has a medical issue that causes him concern that has remained untreated due to limited access to medical care. Without a diagnosis it is difficult to ascertain whether the medical condition exacerbates his risk from COVID-19.

1 Though the Court recognizes that multiple credible reports suggest that the BOP's
2 COVID-19 response has not successfully prevented the spread in all facilities, the danger of
3 contracting COVID-19 alone does not constitute an extraordinary or compelling reason on
4 its own.

5 Mr. Blackmon's criminal history suggests he may pose a danger to the community.
6 Mr. Blackmon's underlying conviction was serious; he distributed a large amount of
7 Oxycontin. He has a concerning criminal history. He faced a guideline range of 210-240
8 months. Mr. Blackmon has not demonstrated extraordinary or compelling reasons
9 supporting his release. The Court has reviewed the file and Motion and is fully informed.
10 Accordingly,

11 **IT IS ORDERED** that Defendant's Motion for Compassionate, filed September 8,
12 2020, **ECF No. 4554**, is **DENIED** with the right to renew.

13 The District Court Executive is directed to file this Order and provide copies to
14 counsel.

15 **DATED** this 18th day of November, 2020.

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WM. FREMMING NIELSEN
18 SENIOR UNITED STATES DISTRICT JUDGE

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